COTEJO
DE LA CONDUCTA
DE S. M.
CON
LA DE EL
REY BRITANICO,

Aſſi en lo Acaecido antes de la Convencion de 14. de Enero de eſte anno de 1739. como en lo obrado deſpues, haſta la publicacion de Repreſalias, y declaracion de Guerra.

CON LICENCIA EN MADRID.

BIBLIOTECA

HIS
CATHOLICK Majeſty's Conduct
Compared with that of
His *Britannick* Majeſty,

As well with Regard, to what happened before the CONVENTION of the 14th of *January* of this Year 1739, as to what has been done ſince; untill the Publication of *Repriſals* and *Declaration* of WAR.

15.

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(Price One Shilling.)

HIS
CATHOLICK Majesty's Conduct
Compared with that of
His *Britannick* Majesty, &c.

COTEJO
DE LA CONDUCTA
DE S. M.

✠

AUNQUE en la decleracion de Repreſalias de 20. de Agoſto de eſte anno, manifeſtò el Rey con ſu natural, y propia moderacion la rectitud de ſus operaciones, y el contrario indecoroſo proceder de Ingleſes, en el miſmo Acto celebrado en Londres en $\frac{10}{21}$ de Julio; oy, que provoca de nuevo aquella Corona à S. M. con mayores invectivas, y no menos dèbiles apoyos, en la publicacion de Guerra de $\frac{19}{30}$ de Octubre proximo paſſado: ſe hace preciſo el deſcubrir à la Europa la diferencia, que mèdia entre una, y otra razon, para que examinada por el juicio imparcial de los que apetecen la quietud publica, no ſe atribuya malicioſa, ò ig-

no-

HIS

Catholick Majesty's Conduct, &c.

✠

ALTHO' in the Declaration of Reprizals of the 20th of *August* of this Year, the King with his natural innate Moderation, did manifest the Justice of his Actions, and the contrary indecent Proceedings of the *English* in the like Act, issued at *London* on the $\frac{10}{21}$ *July*; yet since the said Crown doth a new provoke his Majesty by still stranger Invectives, and no less weak Arguments, in the Declaration of War of the $\frac{19}{30}$ of *October* last past; it is necessary to lay open to all *Europe*, the Difference there is between the Arguments of the one and the other: To the End, that being examined by the impartial Judgment of those that have the publick Tranquillity at Heart, neither the Cause of this Rupture, nor the dread-

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norantemente à las Armas Eſpagnolas, ni el origen de eſte rompimiento, ni los laſtimoſos irremediables efectos, que amenazan con errada politica à la Chriſtiandad.

La primera cauſa, que exagera el Rey Britanico, como impulſiva à declarar la Guerra, ſe reduce à una ſupoſicion general, ſin hechos determinados, ni ſennas individuales, contra los Guarda-Coſtas Eſpagnoles de la America; atribuyendoles preſas injuſtas, con violacion de los Tratados, y del Derecho de las Gentes, tratamientos barbaros, y crueles, inſultos ignominioſos al Pavellòn Inglès: y à S. M. no aver oìdo ſus continuos recurſus, ni reparado en ningun modo ſus quexas.

Eſte grito, que ſe abulta con execraciones, para que ne deſdiga la voz del Monarca de la altivèz, y viciado eſpiritu de aquella Plebe; ſo levanta tambien tan ſin medida para confundir los mas juſtos clamores de los Eſpagnoles, oprimidos largo tiempo hà con verdaderas pyraterìas, perſecucionis, y atrocidades; pero llega ya el caſo de no ocultar con la tolerancia, ni el diſſimulo eſtos hechos; y entre tantos, como claman por ſatisfaccion, ſe referiràn algunos, que ſin admitir diſputa, eſtàn por notoriedad, y plena juſtificacion ca-

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ful unavoidable Effects, which by a miſtaken Policy threaten Chriſtendom, may be maliciouſly or ignorantly imputed to the *Spaniſh* Arms.

The firſt Cauſe, which the *Britiſh* King exaggerates as inducing him to declare the War, is reduced to a general Suppoſition, without any alledged Facts, or concomitant Proofs, againſt the *Spaniſh Guarda Coſta's* in *America*, charging them with unjuſt Depredations; with the Violation of Treaties and Law of Nations; with barbarous and cruel Treatment, and ignominious Inſults of the *Engliſh* Flag; and his Majeſty with not having given Ear to the continual Repreſentations, nor any ways redreſſed his Complaints.

This Clamour, which is filled up with Execrations, that the Voice of the Monarch may not contradict the Haughtineſs and depraved Mind of that Nation, is raiſed beyond Meaſure, to confound the more juſt Complaints of the *Spaniards*, that have been oppreſſed for a great while with real Pyracies, Perſecutions and Cruelties: But now the Time is come not to conceal thoſe Facts any longer with Patience and Sufferance. Among ſo many that call for Satisfaction, but ſome few ſhall be mentioned, which, without admitting any Diſpute, are notorious, and proved by plain Juſtification;

to

lificados, para que se evidencie lo que ha sufrido la Espagna, solo por no llegar à las extremidades de una Guerra.

En los annos de 1716. y 1717. dos Capitanes Cuthbert, y Archer, del Baxèl Pompey Galli y el Vergantin la Fortuna autorizados por el Rey Britanico, fueron por la Costa de la Florida, à racoger quanto pareciesse de los Galeones naufragados en aquel parage; y juntos con los que ya se hallaban alli de Jamayca à practicar uno igual violencia, no solo ahuyentaron hostilmente à los Espagnoles, que baxo las seguridades de la Paz, y del legitimo derecho de su Soberano à quellos caudales, trabajaban en sacar à tierra, lo que le pertenecìa; sino que saltando en ella con seiscientos hombres, y muertos treinta de los ciento y veinte, que guardaban lo ya redimido del Mar, robaron cerca de quatrocientos mil pesos, sin mas disfràz, que el de su codicia, que aun no saciada con una cantidad tan exorbitante, se repitiò en su buelta à Jamayca en la aprehension de dos Embarcaciones con Cacao, Cochinilla, y dinero, de valor de mas de treinta mil pesos; como si les fuera licito para la execucion, todo lo que se antojasse por util à su voluntad.

No menos estranno, y violento es lo acaecido el anno de 1722. Apresaron Ingleses una Em-

to the End that it may evidently appear, what *Spain* has ſuffered, only to avoid the Extremity of a War.

In the Years 1716 and 1717, two Captains, *Cuthbert* and *Archen* of the Ship called, *The Pompey Galley*, and the Brigantine called, *The Fortune*, being authorized by the *Britiſh* King, went to the Coaſt of *Florida* to ſearch for what was left of the Galleons, that were loſt at that Place, and joining with thoſe that were there from *Jamaica* to exerciſe the like Violence, not only in a hoſtile Manner did frighten away the *Spaniards* that under the Security of Peace, and the legal Right of their Sovereign to thoſe Effects, did ſtrive to ſave on Shore what belong'd to the ſame, but alſo landing with ſix hundred Men, and having kill'd thirty of the one hundred and twenty that guarded what was already ſecured out of the Sea, did rob about Four hundred thouſand Peſoes, without any other Pretence, but that of their Greedineſs; and not being ſatisfied with ſuch an exorbitant Sum, they did repeat the ſame in their Return to *Jamaica*, by taking two Veſſels with Cocoa, Cocheneal and Money, to the amount of above thirty thouſand Peſoes, as if they were at Liberty to execute all they fancied conſiſting with their Pleaſure.

No leſs ſtrange and violent was what happen'd in the Year 1722; the *Engliſh* took a

Embarcacion de Puerto-Rico con Patente de ſu Governador, y conducida à Jamayca, ſin preſuponer otra culpa, que la de ſer Guarda-Coſtas, ahorcaron con inaudìta reſolucion quarenta y tres hombres del equipage; publicando para autorizarla, que tan lebantado era el Governador como ellos: nueva ley, que inventò el enganno para honeſtar la tyranìa, y ley no impueſta haſta aora por Nacion alguna, de las que conocèmos arregladas à los preceptos de la naturaleza, y de la equidad.

Eſte barbaro exemplo de tratar en la Paz à los Eſpagnoles en una Colonia como Jamayca, con mas inhumanidad, que à los mas deteſtables enemigos, le figuiò un Capitan Inglès, de los que infidian no menos con el trato ilicito, que con ſus impiedades, nueſtras Coſtas. Atraxo al bordo de ſu Navìo, con pretexto de comerciar, à dos Eſpagnoles de no comun diſtincion y concibiendo mas ganancia con las perſonas, que en el trato, para reducirlos al reſcate, que los propuſo, los dexò dos dias ſin alimento alguno; y à viſta de que no lograba por el martyrio del hambre lo que apetecia, cortò al uno orejas, y narices, y con el pugnal al pecho, le forzò à comerlas: atrocidad, que horroriza à la memoria, y que no es meneſter ponderarla para que irrite.

Antes

Ship of *Porto Rico*, provided with a Patent of the Governor, and being carried to *Jamaica*, without alledging any other Crime but that ſhe was a *Guarda Coſta* they did hang, with an unheard of Reſolution, Forty-three Men of the Ship's Crew, giving out, in order to authoriſe the ſame, That the Governor was as bad as they; a new Leſſon which Fraud invented to make Tyranny look honeſt, and a Proceeding which to this Day never has been practiſed by any Nation, of thoſe which we acknowledge to be ſway'd by the Precepts of Nature and Equity,

This barbarous Example, to treat the *Spaniards*, during the Time of Peace, in ſuch a Colony as *Jamaica*, with more Inhumanity than the moſt deteſtable Enemies, was follow'd by an *Engliſh* Captain, of thoſe that infeſt our Coaſts, no leſs by an illicite Trade than by their Wickedneſs. He enticed on board of his Ship, under the Pretence of Trading, two *Spaniards* of no common Diſtinction, and thinking there would be more Gain by the Perſons than by Trade, in order to force them to a Ranſom which he propos'd to them, he left them without any Nutriment at all; and ſeeing that, by the Tyranny of Hunger, he did not attain what he aim'd at, he cut off the Ears and Noſe of one of them, and putting a Dagger to his Breaſt, forc'd him to eat the ſame; a Cruelty, the thinking whereof gives a Horror; and which does not require much Conſideration to be provok'd at it.

Before

Antes de declararſe la Guerra en el anno de 1727. inducido ſin duda de aquel eſpiritu de odioſidad, y rencor, que predomina en la Nacion Britanica contra la Eſpagnola, eſpecialmente en la America ; ſe introduxo un Inglès en un Navio del Affiento, para concitar los Negros de la Havana, y perſuadirlos la mas terrible ſublevacion ; ofreciendoles como premio la libertad ſi unidos para la execrable perfidia, que les aconſejaba, ſaqueaſſen aquel Pueblo, y degollaſſen ſus moradores : intento tan criminoſo, que paſſaria por inveroſimil ſi la notoriedad, y los teſtimonios que le confirman, no acreditaſſenſu certidumbre.

Pero aun mas delinquentes arbitrios han buſcado los Ingleſes, para intimidar à los Eſpagnoles, con el fin de que no ſe opuſieſſen à ſu continuo illicito comercio : vendiendolos en repetidas ocaſiones por Eſclavos, ya en diſtancias donde no alcanzaſſe à reclamarlos la noticia de ſu miſerable deſtino, y ya en otros parages, donde acaſo los conduxo la ceguedad de ſu culpa, porque no quedaſſe ignorado un proceder tan enorme ; como ſucedió el anno de 1725. en la Iſla de la Madera con ocho infelices de que diò aviſo el Conſul de Eſpagna, que alli reſide, y cuya libertad pidiò nueſtro Embaxador en Lisboa à aquel Soberano.

Before the War was declared in the Year 1727, being without doubt, induced by that Spirit of Hatred and Rancour, which is predominant in the *Engliſh* Nation againſt *Spain*, eſpecially in *America*, an *Engliſhman* introduced himſelf into an *Aſſiento* Ship, in order to raiſe the Negroes at the *Havanna*, and to perſuade them to a moſt terrible Inſurrection, offering them Liberty for a Reward, in caſe they, being united for that execrable Perfidy he exhorted them to, ſhould plunder the Place and put to Sword the Inhabitants; an Intention ſo criminal, that it would paſs for improbable, if Notorioufneſs and the Witneſſes that confirm the ſame, did not atteſt the Truth thereof.

Yet the *Engliſh* have practis'd ſtill more enorm Ways, to intimidate the *Spaniards*, that they might not oppoſe their continual illicite Trade, by ſelling them ſeveral Times for Slaves, ſome Times in diſtant Places, from whence the Knowledge of their miſerable Deſtiny could not be had to relieve them, at other Times in other Places, where they were drove by the Blindneſs of their Crime, to the end that their enormous Proceedings might not be kept concealed; as it happened in the Year 1725, in the Iſland of *Madeira*, with eight poor Wretches, whereof the *Spaniſh* Conſul who there reſided, gave Information, and whoſe Liberty our Ambaſſador at *Lisbon*, did requeſt from that Sovereign.

In

Si eſtos ſuceſſos, y otros iguales, que ſe omiten, pudieran alegarlos los Ingleſes, es cierto, que juſtificarian ſu declaracion de Guerra; pero las preſas executadas en los que comercian ilicitamente, (verdad, que aun ſus miſmos Autores califican, pues ſegnalan ſeis millones annuales de ganancia en eſte tràfico) y el repeler con la fuerza, à los que intentan con las armas, apoyar ſus fraudulentas introducciones, ni merecen el baldòn con que ſe enuncian, ni ſon baſtantes para el eſtrepito que ſe publica; antes bien la Inglaterra miſma debiera ſoſtener eſtos procedimientos, como obligada por el Articulo VIII. del Tratado de Utrecht, à garantir las Leyes fundamentales del Reyno, que prohiben à los Eſtrangeros la entrada, y trato en nueſtros Mares, y Dominios de la America. Tienen, por ventura, los Ingleſes algun pacto que alegar, para que les dexen impunemente los Eſpagnoles deſamparadas las Coſtas, y deſier tos los Golfos, à fin de que el enjambre de ſus Baxeles vaya libre, y ſin obſtaculo à chupar ſus Minas? No ay Tratado que tal confienta, ni el Derecho de las Gentes, con que tanto claman, ſe eſtiende à eſtas amplitudes. Han ido acaſo los Eſpagnoles con violacion del ſagrado de la Paz, à inquietar ſus Colonias, à inundar con clandeſtino trato ſus plantaciones, ni à robar ſus frutos, ò ſus haberes? Pues en què ſe fundan eſtas quexas? No ſe

puede

In Caſe ſuch, or the like Inſtances which are paſſed by, could be alledged by the *Engliſh*, it is certain that then they could juſtify their Declaration of War; but the Prizes that were taken from thoſe that carried on an illicite Trade (a Truth which their Authors themſelves do confeſs, making the Gain of that Trade to amount to ſix Millions a Year) and the repelling by Force, thoſe that endeavour by Dint of Arms to protect their fraudulent Attempts, do not deſerve the affronting and abuſive Language wherewith they are alledged, nor are ſufficient to juſtify the Noiſe wherewith they are publiſh'd. *England* herſelf ſhould much rather put a Stop to ſuch Proceedings, as ſhe is oblig'd by the VIIIth Article of *Utrecht* to guarantee the fundamental Laws of the Kingdom, which forbid Strangers the Entry and Trade into our Seas and Dominions of *America*. Have the *Engliſh* perhaps, any Contract to alledge, whereby the *Spaniards* are obliged to leave their Coaſts free to them without Defence, and their Bays open, that the Swarm of their Ships may paſs free and without Oppoſition to ſuck their Mines? There is no Treaty that authoriſes this, neither the Law of Nations, which they ſo much boaſt of, extends it ſelf to ſuch a length. Are the *Spaniards*, perhaps, in Violation of a ſacred Peace, gone, to inſult their Coloneis, to over-run their Plantations with a clandeſtine Trade, or to rob their Produce or Effects? Such

puede, no, imputarles con juſticia eſte borron; pues ſiempre que ſe ha reconocido en las preſas hechas por los Guarda-Coſtas la falta de aquellos requiſitos neceſſarios à ſu validacion, ſe han mandado reſtituìr à ſus duennos; de que ſe infiere, que quanto en la America ſe ha obrado, dimana del deſenfreno de los Ingleſes, y no de ofenſa procurada por los Eſpagnoles.

Otro de los motivos, que pondera el Rey Britanico en ſu Manifieſto, y publicacion de Guerra, ſe deduce de la abſoluta libre Navegacion en los Mares Americanos; ſuponiendo à los Eſpagnoles primer movil de eſta diſputa, y callando aver ſido los Plenipotenciarios Ingleſes los que comenzaron à agitarla en las Conferencias, que dimanaron de la Convencion de 14. de Enero de eſte anno, y ſe tuvieron en Madrid. No es juſto renovar aora la queſtion, por no hacer de eſte Papel un Alegato; pero no debe tampoco omittirſe, el publicar, para deſenganno de la Europa, que las pretenſiones de S. M. no exceden ni en un apice del literal ſentido del propio Tratado de 1670. que decanta el Rey Britanico, infringido por eſta Corona; y que, ò reſulta dèl, que la Navegacion en los Mares de America es con cortiſima

a Blot can never juſtly be laid to their Charge; for at all Times, when it was found in Reſpect of the Prizes made by the *Guarda Coſta's*, that the neceſſary Requiſites to prove their Validity were wanting, they have been ordered to be delivered back to the Owners. From whence it follows, that what has been done in *America*, derives from the Licentiouſneſs of the *Engliſh*, and not from any Offence given by the *Spaniards*.

Another of the Motives which the *Britiſh* King alledges in his Manifeſto and Declaration of War, is taken from an abſolute and free Navigation in the *American* Seas; ſuppoſing the *Spaniards* to be the firſt Authors of this Diſpute, and paſſing by with Silence that it were the *Engliſh* Plenipotentiaries that ſtated the ſame in the Conferences upon the Convention of the 14th of *January* of this preſent Year, which were held at *Madrid*. It is not fit here to renew the ſaid Diſpute in this Place, in order not to make this Paper a heap of Allegations: Yet we cannot omit neither, to declare, in order to undeceive *Europe*, that the Pretenſions of his Majeſty did not exceed in the leaſt, the litteral Senſe of the very Treaty of 1670, which the *Britiſh* King alledges to be violated by this Crown; and that it either follows from thence, that the Na-

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cortiſſima diferencia tan libre como en los de Europa ; ò que lo propueſto por los Plenipotenciarios Ingleſes en la Conferencia de 25. de Junio es deſtructivo de la mente, y tenor de aquel Tratado, y del Artic. VIII. del de Utrecht que ſe citò arriba. Y para que lo juzgue el Mundo, mientras las armas lo diciden, ſe pondrà aqui à la letra el referido Papel, y reconoceràn, los que ſin preocupacion le examinen, y cotejen, quien ha pedido con voluntariedad, è indeterminadamente, ſin atencion à pactos, ni ofertas ; y quien ſe ha arreglado con eſtricta religioſidad à uno, y otro.

" En conſequencia de la reſolucion tomada
" por los Plenipotenciarios reſpectivos en la
" Conferencia que ſe tuvo en 17. de eſte mes,
" los de S. M. ſe applicaràn en eſte Memori-
" al unicamente al punto de la Navegacion en
" los Mares de la America. Y por quanto ſe
" ha reconocido por una, y otra parte en ell
" preambulo de la Convencion, que la Viſita,
„ ſondèo, y toma de Baxeles, embargo de
„ Efectos, &c. de algunos agnos à eſta parte
„ han dado lugar à diſputas graviſſimas entre
„ las dos Coronas de la Gran Bretagna, y
„ Eſpagna y que por el primer Articulo de
„ dicha Convencion ſe ha eſtipulado, que ſe
„ nombraràn Plenipotenciarios de una, y otra
„ parte

vigation in the *American* Seas is within a Trifle as free as in thoſe of *Europe*, or that, what was propoſed by the *Engliſh* Plenipotentiaries in the Conference of the 25th of *June* is deſtructive to the Senſe and Tenor of the ſaid Treaty, and of the VIII. Article of that of *Utrecht* above mentioned. And that the World may judge whilſt the Arms do decide it, we will mention here the very Words of the ſaid Paper, and thoſe that examine and conſider the ſame impartially, ſhall ſee, who has demanded Things by mere Will, and indeterminately, without giving Attention to Treaties and Offers, and who has ſtrictly and religiouſly comply'd with the one and the other.

'Purſuant to the Reſolution taken by the Re-
'ſpective Plenipotentiaries, in the Conference
'held on the 17th of this Month; Thoſe of
'his Majeſty will only apply themſelves in
'this Memorial, to the Point of Navigation in
'the *American* Seas. And whereas, it is
'acknowledged of the one and of the other ſide
'in the Preamble of the Convention, that the
'ſearching, viſiting and taking of Ships ſtopping
'Effects &c. for ſeveral Years ago, have given
'Cauſe to very great Diſputes betwixt the
'Crowns of *Great Britain* and *Spain*, and
'whereas by the firſt Article of the ſaid Con-
'vention, it has been ſtipulated that Plenipo-
'tentiaries ſhould be appointed by the one and

'the

„ parte, para hallar el medio de prevenir seme-
„ jantes motivos de quexa en adelante, y alex-
„ ar absolutamente, y para siempre, todo lo
„ que pudiesse dàr ocasion à ellas: los Pleni-
„ potenciarios de S. M. para cumplir quento
„ de ellos dependa, las obligaciones en que
„ estàn empegnados por el empleo que les ha
„ sido confiado, y conformarse à las intencio-
„ nes de su Soberano; es à saber, de mante-
„ ner la antigua amistad, tan apetecible, y ne-
„ cessaria por el interès reciproco de las dos
„ Naciones, previniendo de una vez para todos
„ los injustos robos, presas, y embargo de Ba-
„ geles, y Efectos de los Vassallos de S. M. en
„ la America, como tambien todas las cruel-
„ dades que se han executado, respecto de sus
„ personas: proponen, que el Tratado que se
„ haya de hacer sea declarado, y convenide; que
„ como por el Artic. XV. del Tratado de 1670.
„ fue estipulado lo que se sigue: *Este Tratado*
„ *no derogara las Preheminencias, Derechos,*
„ *y Dominios, que qualquiera de las Partes*
„ *Confederadas tenga en los Mares de America,*
„ *Estrechos, y qualesquiera Aguas; antes bien*
„ *todo esso lo possean, y retengan con la misma*

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'the other Party, to find out a Mean, to pre-
'vent hereafter the like Cauſes of Complaint
'and abſolutely and for ever to remove, what-
'ſoever may give any Occaſion for the ſame.
'The Plenipotentiaries of his Majeſty, to com-
'ply, as far as it depends from them, with
'thoſe Obligations they are charged with to
'execute what they are intruſted with, and
'to conform themſelves to the Intentions of
'their Sovereign that is to ſay, to maintain
'the old Friendſhip which is ſo deſirable and
'neceſſary, for the reciprocal Intereſt of the
'two Nations, by preventing at once and for
'ever all illegal and unjuſt ſeiſures, priſes and
'ſtopping of the Ships and Effects belonging
'to his Majeſty's Subjects in *America*, as alſo
'all other Cruelties that have been practiſed
'againſt their Perſons, do Propoſe, that in the
'Treaty, which is to be made it ſhall be
'declared and mention'd. That, whereas in
'*Art.* XV. of the Treaty of 1670, it is ſti-
'pulated, as follows:

'*This Treaty ſhall not derogate from the*
'*Preheminences Rights and Dominions which*
'*any one of the Confederate Parties may poſ-*
'*ſeſs in the* American *Seas, Streights or any*
'*other Waters. They ſhall rather poſſeſs all the*
'*ſame, and keep and retain with the ſame*

'*Extent*

„ *amplitud, que por Derecho les compete. Pero*
„ *tengaſe entendido ſiempre, que de ninguna*
„ *manera ſe debe interrumpir la libertad de Na-*
„ *vegar, con tal que nada ſe cometa, o peque*
„ *contra el legitimo ſentido de eſtos Capitulos.* Que
„ para explicar mas claramente dicho Articu-
„ lo, y aſſegurar tanto mejor la libertad de la
„ Navegacion, que en èl eſtà eſtipulada, ſe
„ ha convenido, y declarado, que no es,
„ ni ferà de ninguna ſuerte permitido à algun
„ Bagel de Guerra, perteneciente à la una,
„ ò la otra de las dos Potencias, ò Armador,
„ aſſiſtido de Poderes, ò Comiſſion de parte
„ del uno, ò del otro de los dos Soberanos
„ Contratantes, ò de la de algun Governa-
„ dor, ù otro Oficial autorizado de una, ù
„ otra parte, para dàr comiſſiones; ò en fin,
„ à algun Navio, ò Embarcacion pertenece-
„ ente à la una, ò la otra de las dos Naci-
„ ones, detener, embargar, arreſtar, viſitar,
„ ò examinar en Mar los Bageles, ò Em-
„ barcaciones pertenecientes à Vaſſallos de
„ las dos Naciones reſpectivas, en los Mares
„ de la America, baxo de qualquier motivo,
„ ò pretexto que ſer pueda.

„ Que ademàs ſea convenido, que ſi a-
„ contecieſſe que algun Bagel autorizado por
„ la una, ò la otra de las dos Coronas, para
„ prevenir el Comercio ilicito, ò empleado por
„ qualquier otro motivo, que ſer pueda, ò au-

„ to-

'*Extent as it by Right belongs to them. Pro-*
'*vided however always that the Freedom of*
'*Navigation ſhall be by no means interrupted*
'*ſo that nothing ſhall be done or committed*
'*againſt the true Senſe of theſe Articles*:
'For the clearer Explanation of the ſaid Ar-
'ticle, and to ſecure the better the Liberty of Na-
'vigation, which is ſtipulated therein, it has been
'agreed upon and declared that it not is, nor
'in any ways ſhall be permitted to any Man
'of War, belonging to the one or to the other
'of the two Powers, nor to any Ship of Force,
'provided with any Power or Commiſſion from
'any one or other of the two Contracting
'Sovereigns, nor from any Governor or other
'Officer authoriſed by the one or the other
'Party to grant and give Commiſſions, nor
'in ſhort to any Ship or Veſſel belonging to
'one or the other of the two Nations, to de-
'tain, ſtop, ſtay, ſearch or examine at Sea the
'Ships or Veſſels of the two reſpective Nations,
'in the Seas of *America* under what Colour or
'Pretence ſoever.

'That it further ſhall be agreed, that if it
'ſhould happen that any Veſſel by the one or
'other of the two Crowns ſhould be com-
'miſſioned, to prevent an illicite Trade, or be
'appointed for any other Purpoſe whatſoever,

or

„ torizado de una Comiſſion de parte de algun
„ Governador, ſea Inglès, ſea Eſpagnol, en las
„ Indias, llegaſſe à arreſtar, embargar, detener,
„ viſitar ò examinar qualquier Navio, ò Em-
„ barcacion, ſea perteneciente à Vaſſallos de
„ la una ò la otra de las dos Coronas, en los
„ Mares de la America, ſe harà una entera
„ reſtitucion de los tales Bageles, y Efectos,
„ como tambien una amplia reparacion de
„ todos los dannos padecidos. Y que el Ca-
„ pitan, ò Comandante del Bagel, que huvi-
„ eſſe cometido ſemejante acto de violencia,
„ ſerà privado de ſu Comiſſion, y nunca mas
„ empleado en el ſervicio maritimo de la Co-
„ rona, cuyo Vaſſallo fueſſe. Y que ſi pa-
„ recieſſe por pruebas autenticas, que algun
„ Governador, ſea Inglès, ſe Eſpagnol, en la
„ America, huvieſſe concedido Poderes, ò Co-
„ miſſiones â algun Armador para atajar, em-
„ bargar, detener viſitar ò examinar en Mar
„ las Embarcaciones de una ù otra parte, el
„ tal Governador ſerà privado de ſu empleo, y
„ nunca mas empleado en ſervicio de la Co-
„ rona, de quien fueſſe Vaſſallo.

„ Eſtas propoſiciones ſon de tal ſuerte con-
„ formes a la mente, y letra del Tratado de
„ 1670. reconocido de una, y otra parte por
„ regla, por la qual deben ſer decididas todas

“ las

‘ or if ſhe be authoriſed by Commiſſion of or
‘ from any Governor be he *Engliſh* or *Spaniſh*
‘ in the *Indies*, ſhould come to ſeiſe, ſtop,
‘ detain, ſearch or examine any Ship or Veſſel
‘ belonging to the Subjects of any one or other
‘ of the two Crowns, in the *American* Seas,
‘ a full and entire Reſtitution of ſuch Veſſels
‘ and Effects ſhall be made, as alſo an ample
‘ Reparation for all the Damages ſuſtained,
‘ and that the Captain or Commander of the
‘ Ship, that ſhall have committed ſuch an Act
‘ of Violence, ſhall be deprived of his Com-
‘ miſſion, and never be more employed in the
‘ Sea Service of that Crown whoſe Subject
‘ he is. And if it ſhould be found by authen-
‘ tick Proofs that any Governor be he *Engliſh*
‘ or *Spaniſh*, in *America*, has granted Powers
‘ or Commiſſions to any arm'd Veſſel to cut
‘ of the Paſſage, ſtop, detain ſearch or exa-
‘ mine at Sea, any Ship or Veſſel of the one
‘ or the other Party; ſuch a Governor ſhall be
‘ depoſed from his Place, and never more be
‘ employed in the Service of that Power whoſe
‘ Subject he is.

‘ Theſe Propoſals are ſo much conform to
‘ the Senſe and Letter of the Treaty of 1670,
‘ which is acknowledged by the one and the
‘ other Party as a Rule, whereby all the Diſpu-

‘ tes;

„ las diſputas, que miran à la America, que „ no ſe ſabria dudar, que los Sennores Pleni- „ potenciarios de S. M. C. no eſtèn convenci- „ dos, de que nada hay mas juſto razonable, „ ni propio, para prevenir todors los incon- „ venientes, de que en lo paſſado ſe han quax- „ ado, que lo que ſe acaba de proponer ſobre „ la materia de que ſe trata.„ Fecho en Madrid en 25 de Junio de 1739.

Produce tambien el Rey Britanico por cauſa de la Guerra, el aumento de derechos ſobre las Mercancìas de ſus Subditos; y aunque teniendo reconocido la miſma Inglaterra, en ſus Tratados, ſer eſte un efecto de la Soberanìa; y eſpecialmente en el de 1667. con el Rey de Dinamarca ſobre los Dacios del Sund, no era neceſſario tocar con mayor extenſion eſta materia: ſe remitirà tambien à las actas de ſu Parlamento el cotejo de eſta quexa, para que viſtas alli las innovaciones practicadas en todos tiempos, ſe reconozca, que, ò ha de faltar la reciproca entre los Reyes, ò que no faltando, ſe convence de inſuſtancial, y mendigado eſte pretexto; ò bien que del miſmo modo, que intentò alguna vez la Inglaterra arrogarſe el dominio del Mar Britanico, por la ſola caſualidad del nombre, pretenda aora prerrogativas,

y

‘ tes; that concern *America*, are to be decided,
‘ that there is no Doubt, but the Lords Ple-
‘ nipotentiaries of his C. Maj. are convinced,
‘ that nothing is more juſt, reaſonable nor fit,
‘ to prevent all Inconveniences, whereof here-
‘ tofore Complaints have been made, wherewith
‘ they conclude what they have to propoſe to
‘ this Point, which is now under Conſidera-
‘ tion. Done at *Madrid*, *June* 25, 1739.

The *Britiſh* King doth likewiſe alledge one of the Motives for a War, the Augmentation of the Duties on the Goods of his Subjects. And altho' *England* herſelf has acknowledged in her Treaties that this is the Effect of Sovereignty, and eſpecially in that of 1667, with the King of *Denmark* concerning the Duties in the Sound, it is needleſs to enlarge further upon this Subject, yet let him to find a Parallel of this Complaint, view the Acts of his Parliament, to the End that having found theſe Innovations practiſed there at all Times, he may conſider, that there muſt be either no equality between Kings, or if there be, he will be convinced of the Inſufficiency of his Pretence. Or it may be that after the like manner, that as *England* once did arrogate to herſelf the Dominion of the *Britiſh* Sea, only by accidentally having the ſame Name, ſhe may now perhaps pretend Prerogatives and

Exemp-

y exempciones entre los Soberanos, por el unico fundamento de su altivez, y antojo.

Ponderase no menos por causa de la Guerra, el haver publicado las Represalias en estos Reynos, y passado à su execucion, sin assignar termino; y siendo, como es notorio, que las publicò primero el Rey Britanico en $\frac{10}{21}$ de Julio, que immediatamente se detuvieron alli tres Naves Vizcaynas, no obstante el clamor de los Interessados, y que las del Almirante Haddock, puestas en los Cados de Santa Maria, y San Vicente apresaron otras: no se alcanza, què obligacion liga à S. M. que no reconoce en sì el Rey Britanico; ni què privilegio hace licita la Represalia en Londres, y la constituye en Madrid culpable.

Tantas veces se declama en la referida publicacion de Guerra contra las infracciones de los Tratados, que no se puede ya cellar la sinrazon de las muchas, que han cometido los Ingleses; para que se conozca, que tienen los Espagnoles mas fundados motivos de alegarlas con especialidad desde el Tratado de Utrecht de 1713. pues haviendose obligado en el Artic. XV. à conservar indemnes los derechos que para la Pesca del Vacallao en Terranova, com-

Exemptions above Sovereigns being only grounded on her Pride and Fancy.

He alſo mentions as a motive for a War, that Repriſals were publiſhed in theſe Kingdoms and put into Execution, without any Time being limited. And whereas it is notorious that the *Britiſh* King did publiſh them firſt on the 10/21 *July*, and that immediately three *Biſcay* Veſſels that were then there were Seized notwithſtanding the Clamours of the Intereſſents, and that thoſe of Admiral *Haddock* ſtationed on the *Capes* of St. *Mary* and St. *Vincent*, did ſeize others, it cannot be conceived what obligation ſhould bind his Majeſty, which the *Britiſh* King doth not acknowledge to be binding to him nor what Priviledge make Repriſals lawful at *London*, and illegal at *Madrid*.

In the ſaid Declaration of War, Infringements and breaking of Treaties are ſo often exclaim'd againſt that we can no longer be ſilent and conceal thoſe many committed by the *Engliſh*; that it may appear that the *Spaniards* have more ſolid Motives to alledge, more eſpecially ſince the Treaty of *Utrecht* in 1713, ſince they obliged themſelves in *Art.* XV. to keep open to the Biſcayers and others belonging to this Crown the free Fiſhery of *Bacalan* in *New-*

competian à los Vizcaynos, y otros Pueblos de esta Corona; y en el Artic. II. del Tratado de 1721. à dàr las ordenes, que se pidiessen para el cumplimiento de aquel, aùn oy permanecen despojados de lo que tan legitimamente les corresponde. Lo mismo sucede con el Artic. X. del mismo Tratado de Utrecht; pues obligada en èl la Inglaterra à no dàr asylo, ni entrada en Gibraltar à Embarcaciones de Guerra de los Moros, no solo se ha executado lo contrario con gravissimo perjuicio de S. M. y de sus Vassallos, sino que aun viniendo acosadas de los Espagnoles, han hallado en su Artilleria seguridad, y abrigo; para bolver desde alli mas facilmente con la immediacion, à insultar las Costas, y à interrumpir el Comercio. Del mismo modo se ha faltado à este Articulo en las extensiones pretendidas, y aun practicadas, que se limitan en el; y assi, aviendose cedido esta Plaza sin *Jurisdiccion alguna territorial, y sin communicacion alguna abierta con la Ragion circunvecina de la parte de tierra*, solicitaron que debia comprehenderse su dominio hasta el tiro del Cannon; y no obstante, que se convino en el anno de 1728. en dexar desamparados reciprocamente los puestos sobre que se formò la disputa, que eran, uno enfrente de la Torre de Ginoveses, otro arrimado al Monte debaxo del Pastelillo, y otro à la parte de Levante, poco apartado del Monte

New-foundland, and in the Treaty of 1721. *Artic.* II. they would give Orders if it ſhould be demanded that the ſame ſhould be complyed with, nevertheleſs they remain ſtill deprived of what ſo juſtly belongs to them. The ſame happened as to *Artic.* X. of the ſame Treaty of *Utrecht*, ſince *England* has obliged herſelf thereby not to grant in *Gibraltar* any Refuge nor Entry to any armed moriſh Veſſel, but not only the Contrary has been practiſed, to the greateſt Prejudice of His Majeſty and his Subjects, but even being chaced by the *Spaniards*, have found Security and Protection under their Artillery, in order to run out from thence the eaſier and directly, to inſult the Coaſts and interrupt the Trade. In like manner this Article has been broke into by a pretended extenſion, which is ſtill kept up, tho' limited in the firſt *Article*. For whereas this Place was given: *without any Territorial Juriſdiction, and without any Communication with the circumjacent Country on the Landſide*, yet they pretended, that the Territory as far as their Guns can reach, ought to be comprehended and altho' in the Year 1728, it was agreed, to abandon the diſputed Places on both Sides, which were, one over againſt *la Torre de Ginoveſes*, an other cloſe to the Mount under the ſo called *Paſtelillo*; and an other towards the Eaſt not far from the Mount,

Monte, y à corta distancia de la Torre del Diablo, los han ocupado despues, sin atenber al ajuste, ni considerar el agravio. Y no es solo este falàz proceder, el que se ha experimentado en punto de esta Plaza; pues haviendo el difunto Rey de Inglaterra Jorge I. en Carta de $\frac{1}{12}$ de Junio de 1721. ofrecido à S. M. la restitucion; no obstante haver fido esta promessa un medio condicional de concluir el Tratado entonces pendiente, y que se firmò en Madrid el dia 13. de aquel mes, ni se cumpliò como era justo, ni aprovecharon instancias, ni reconvenciones para ello. Pondràse aqui la Carta reducida à nuestro Idioma, para no dexar la meno duda en todo el hecho.

Senor mi hermano: He sabido con extrema satisfaccion, por medio de mi Embaxador en essa Corte, que V.M està por fin en la resolucion, de quitar los obstaculos, que por algun tiempo han dilatado el entero cumplimiento de nuestra union: Y respecto de que por la confianza, que V. M. me manifiesta, puedo contar como restablecidos los Tratados, sobre que se ha disputado entre nosotros, y que por consequencia se havràn explanado los Instrumentos necessarios al Comercio de mis Subditos no me detengo ya en assegurar à V.M. mi pron-

Mount, and at a ſmall diſtance from the *Torra del Diablo*; neverthelcſs, they have ſince poſſeſſed themſelves thereof, without minding what is juſt, nor conſidering what is wrong. And this is not the only falſe Proceeding which has been ſhewn in reſpect to this Place, ſince the late King of *England*, *George* I, by a Letter of the $\frac{1}{12}$ *June* 1721, did offer to his Majeſty the Reſtitution thereof; and though this Promiſe was made a conditional Article to conclude a Treaty which then was depending, and which was agreed to at *Madrid* on the 13th of the ſaid Month; yet it was not fulfilled as it was right, neither have any Sollicitations nor Repreſentations ſince that time been of ſervice. Here is the ſaid Letter tranſlated into our Language, that we may not leave the leaſt doubt of the whole Paſſage.

Sir and Brother, I have heard with an extreme Satisfaction, by the means of my Ambaſſador at your Court, that your Majeſty is come to the Reſolution at laſt, to remove the Obſtacles which for ſome time have delayed the entire Eſtabliſhment of our Friendſhip; and ſince by the Confidence which your Majeſty declares to me, I can depend upon the Treaties which have been diſputed between us, as being now concluded, and that conſequently, the neceſſary Inſtruments for the Trade of my Subjects have been ſettled, I do not longer delay aſſuring your Majeſty

prontitud à ſatisfacerle, por lo que mira à la reſtitucion de Gibraltar, prometiendole, que me valdrè de la primera favorable ocaſion para reglar eſte Articulo con intervencion de mi Parlamento. . . . . .

Tambien ſe ha eludido el Artic. VIII. del Tratado de Utrecht, reſpectivo à limites en America, no obſtante las Ordenes ofrecidas en el II. del de 1721. y aſſi en el anno de 1724. deſpues de repetidas inſtancias ſobre la demolicion del Fuerte de la Tamaja, edificado por Ingleſes en Territorio indiſputablemente de S. M. y de averſe convenido, que los Governadores de la Florida, y Carolina, ſe comunicaſſen las Ordenes, para arreglar eſta diſputa: haviendo aquel embiado un Oficial con veinte y cinco hombres, y las copias de las de Inglaterra, fueron deſpojados de ſus Armas, encerrados en el Fuerte, y conducidos à los tres dias à la Carolina, donde ſufrieron mas riguroſa, è indecente priſion. La miſma mala fee ſe obſervo el anno de 1735. aſſegurando el Miniſterio Britanico à Don Thomas Geraldino, Miniſtro Plenipotenciario de S. M. en Londres, que Don Diego Oglethorpe, deſtinado à la Carolina, llevaba el encargo de arreglar ſus limites, en concurrencia, y de conformidad con el Governador de la Florida, y fueron tan contrarias las que le manifeſto à ſu arribo, que contenian, que huvieſſe de poblar todo lo

que

of my Readineſs to give Satisfaction, as to what concerns the Reſtitution of Gibraltar, *giving you my Promiſe, that I will make uſe of the firſt favourable Opportunity to regulate this Article, with the Intervention of my Parliament.*

The 8th Article of the Treaty of *Utrecht* has likewiſe been eluded, touching the Limits in *America*, notwithſtanding the Orders that were offered in the 2d Article of that in the Year 1721, and likewiſe in the Year 1724, after reiterated Demands concerning the Demolition of the Fort *Tamaja*, erected by the *Engliſh* in a Diſtrict which unqueſtionably doth belong to his Majeſty, when it was agreed, that the Governours of *Florida* and *Carolina* ſhould communicate their Orders to regulate this Diſpute, the firſt having ſent an Officer which twenty five Men, which Troops were, by thoſe of *England*, ſtripp'd of their Arms, lock'd up in the Fort, and conducted for three Days to *Carolina*, where they endured a rigorous and indecent Impriſonment. The ſame Deceit was practiſed in the Year 1735, when the *Britiſh* Miniſtry aſſured Don *Thomas Geraldino* his Majeſty's Miniſter-Plenipotentiary at *London*, that Mr. *James Ogletborp*, who was appointed for *Carolina*, took an Order with him to ſettle his Limits with the Concurrency, and in Conformity with the Governour of *Florida*; but they were quite the contrary,

que lo no eſtuvieſſe: para cuya execucion paſſo immediatamente à varios actos de hoſtilidad, haſta preſentarſe con gente armada à viſta del Preſidio de San Aguſtin: accion muy conforme à la Patente que expidiò el Rey Britanico en $\frac{9}{20}$ de Junio de 1732. en que diſpone de los Dominios de aquel Continente, y aun del Mar, concediendo à la Compannia formada para el eſtablecimiento de la Colonia de la Georgia, quanto no eſtuvieſſe anteriormente ocupado por Vaſſallos de Inglaterra: ceſſion ex diametro opueſta al Artic. VII del Tratado de 1670. que excluye de ſu derecho, todo lo que en aquel tiempo no tenia, ni poſſeìa; bien que no debe eſtrannarſe eſte deſpotiſmo, pues entre otras uſurpaciones, que ſe han reclamado varias veces por la Eſpanna, no ſe apoya mejor la del corte del Palo de Campeche, defendida con la fuerza, y no con la razon, haſta el exceſſo de arruinar en tres diferentes ſitios al deſgraciado Pueblo de Bacallar, porque defendia fiel la juſticia de S. M. y embarazaba la continuacion del delito.

Supone igualmente el Rey Britanico por cauſa de la Guerra, no haver pagado S. M. en el termino prefinido, que fue el 5. de Junio,

by what he ſhew'd upon his Arrival, and contain'd Orders that he ſhould people thoſe Places that were uninhabited. For the execution whereof, he proceeded immediately to various hoſtile Acts, even ſo far as to preſent himſelf with an arm'd Force in ſight of the Garriſon of *Saint Auguſtin*; an Action very much like to the Orders which the *Britiſh* King did publiſh on the $\frac{9}{20}$ *June* 1732, whereby he diſpoſes of the Dominions of that Continent, as well as of the Sea, granting to the Company form'd for the Eſtabliſhment of the Colony of *Georgia*, all that was not yet before occupied by *Engliſh* Subjects. A Grant diametrically oppoſite to the 7th Article of the Treaty of 1670, which doth exclude from his Right and Pretenſions all that he at that time did not hold or poſſeſs. However, one ought not to be ſurprized at this Act of Power, ſince among other Uſurpations, which ſeveral times have been reclaim'd by *Spain*, their Right to cut Logwood is not better grounded, which is ſupported by Force, not by Reaſon, even to that exceſs as to ruin in three ſeveral Sieges the unfortunate People of *Bacallar*, becauſe they did loyally defend the Right of his Majeſty, and were an Obſtacle to the Continuation of their Crime.

The *Britiſh* King mentioneth likewiſe as a Reaſon for the War, That his Majeſty had not paid at the prefix'd time, which was on the

Junio, las noventa y cinco mil libras Sterlinas, que se estipularon por resto de las reciprocas pretensiones en punto de Presas, y averse violado assi manifestamente la Convencion, y como quando se publicaron las Represalias en Espanna, se hizo patente la podcrosa razon de no haverlas satisfecho, annade el Rey Britanico, que es solamente *un colorido, y pretensiones destituidas de todo fundamento:* arbitrio facil para salir del empenno sin contestaciones; pero que dexa en su fuerza, y vigor lo declarado por S. M. y assi, no dudarà la Europa, si lo reflexiona, que se obrò aqui de buena fee; y que si la Inglaterra huviesse hecho lo proprio, se havria reglado, y complido todo por el Nivèl de la Convencion. No fue otra cosa el desarmar las Esquadras, luego que se ratificò aquella en Londres, el dàr las Ordenes para la Carolina, y el instruir sin dilacion à los Plenipotenciarios, sino una clara manifestacion de la sinceridad, con que se procedia: estos hechos, ni se pueden negar, ni admiten interpretacion; a lo menos, digan los Ingleses si es verosimil, ni cabe en la menos cauta politica, soltar las Armas en la conclusion de una disputa, que precisò à tomarlas, al mismo tiempo que se pensaba bolver à ella, segun se indica? No responderan, ni tendran

que;

the 5th of *June*, the ninety-five thouſand Pounds Sterling, which were ſtipulated as a ballance of the reciprocal Demands on account of Prizes, and that thus the Convention was manifeſtly violated. But when the Repriſals were publiſh'd in *Spain*, a weighty Reaſon was given, why the ſame were not paid; the *Britiſh* King adds, that it was only *a Colour and Pretences deſtitute of all foundation*: An eaſy way to get off from a Charge without Proofs or Conteſtations, but leaves in its Force and Vigour what his Majeſty has aſſerted; and thus *Europe*, if ſhe conſiders, will not doubt but we have acted here upon good Faith: And if *England* had done her Duty, every thing would have been regulated, and all ſettled according to the Level of the Convention. The diſarming of the Squadrons as ſoon as the ſame was ratified in *London*, the giving Orders for *Carolina*, and ſending without delay Inſtructions to the Plenipotentiaries, were nothing but a clear Demonſtration of the Sincerity of our Proceedings. Theſe Facts cannot be denied, neither do they admit of any Interpretation: At leaſt let the *Engliſh* ſay if it is probable, Does it agree with the ſhalloweſt Policy, to put up the Sword after the Concluſion of a Diſpute, when it is neceſſary to take it up again, at the ſame time that one is thinking to return to the ſame, as it now appears? They cannot anſwer,

que; pero lo haran ſus operaciones, que como contrarias à las referidas, convencen que nunca penſò la Inglaterra en cumplìr lo prometido, ni aora tampoco en disfrazar lo mal obrado.

Lo primero que deſcubre ſus ſinieſtros intentos, es la permanencia de las Eſquadras del Almirante Haddock en eſtos Mares, deſpues de firmada, y ratificada la Convencion; pues aunque no ſe incluyò en ella en termi nos expreſſos, que ſe retiraſſen eſtas fuerzas, no arguye ſencillèz en el animo entrar à la amiſtad con las miſmas preparaciones con que el enojo amenazò la Guerra; y mas caminando tan remiſſo el Miniſterio Inglès en la execucion de lo convenido, que en 27 de Marzo reſulta de un Papel del Duque de Newcaſtle de eſta fecha, que aùn no ſe avian expedido las ordenes correſpondientes à la Carolina.

Pruebaſe mas la ſimulada intencion de la Inglaterra con los tres Oficios, que ſu Miniſtro Plenipotenciario en eſta Corte Don Benjamin Keene, preſentò en 17. de Abril. Repitiò en uno lo que pidiò en otro de 19. de Febrero, y fue, que ſe expidieſſen Ordenes à los Guarda-Coſtas de la America, para que ceſſaſſen en las depredaciones, y violencias, que cometian, en el interin que duraban

ſwer, nor have they any thing to ſay. But their Actions ſpeak, being contrary to what is related, and do convince that *England* never intended to make good what they had promiſed, nor even to diſguiſe their bad Proceedings.

The firſt, which diſcover'd their ſiniſter Intention was, the Squadron of Admiral *Haddock* remaining in theſe Seas, after the Convention was ſign'd and ratified. For though it was not mentioned in ſtrict Terms, that thoſe Forces ſhould withdraw, yet it ſhews no Sincerity of Mind to enter into Friendſhip with the ſame Preparations with which Wrath did threaten a War; and this was farther proved by the ſlow Proceedings of the *Engliſh* Miniſtry, in the Execution of what was agreed upon; which appear'd on the 27th of *March*, out of a Letter from the Duke of *Newcaſtle* of that date; that as yet they had not ſent the neceſſary Orders to *Carolina*.

The diſguiſed Intentions of *England* do ſtill clearer appear by the three Memorials, which her Miniſter Plenipotentiary at this Court, Mr. *Benjamin Keene*, preſented on the 17th of *April*. In one of them he repeats what he had deſired on the 19th of *February*; which was, *That Orders might be diſpatch'd to the Guarda Coſtas in* America,

duraban las Conferencias; y como ſe reſpondiò en 24. del miſmo mes de Febrero: *Que no ſe les avia mandado que las practicaſſen, aun durante las paſſadas diferencias, ni omitido haſta entonces el corregirlas, quando ſe havian averiguado; y que procuraria S. M. mantener la buena harmonia, que acababa de afirmarſe entre las dos Naciones, ſin permitir que paſſaſſen ſus Vaſſallos mas allà de lo juſto à la ſeguridad de aquellos Dominios, y ſu Comercio.* Inſiſtia eſte Miniſtro en nombre del Rey Britanico, en que *pudiendo ſer interpretadas eſtas aſſeveraciones, y dar motivo por conſiguiente à efugios por parte de los Governadores, y otros Miniſtros de las Indias, ſe embiaſſen luego Ordenes claras, y preciſas para poner fin enteramente à todas las violencias cometidas haſta entonces, y para que pudieſſen gozar los Subditos de Inglaterra, durante el tiempo de las conferencias, ſin turbacion, ni embarazo la libre Navegacion en los Mares de la America, ſegun les correſponde por los Tratados, y por el derecho de las gentes.* Eſta repeticion de Oficios y las Clauſulas del de 17. de Abril, que ſe acaban de traſladar, ſon un vehemente

merica, *that they might ceaſe their Depredations and Violence, which they had committed during the time that the Conferences were carried on.* And as he was anſwer'd on the 24th of the ſame Month of *February, That they had no order to practiſe the ſame, even during the laſt Differences, nor had they ceaſed till now to puniſh them, whenever they were examined: And that his Majeſty would endeavour to cultivate a good Harmony which was juſt now confirm'd between the two Nations, without permitting his Subjects to go beyond what was juſt, and what was requiſite for the Security of thoſe Dominions, and the Trade thereof:* This Miniſter, in the Name of the *Britiſh* King did inſiſt, *That theſe Aſſertions were liable to Interpretations, and conſequently would give a handle to Evaſions on the part of the Governours and other Miniſters in the* Indies; *that therefore forthwith clear and diſtinct Orders might be diſpatch'd to put an entire Stop to all the Violences hitherto committed, and that the* Engliſh *Subjects might enjoy, during the time of the Conferences, without Diſturbance or Hindrance, the free Navigation in the Seas of* America, *according to the Treaties and the Law of Nations.* Theſe Repetitions of Memorials, and

vehemente indicio, de que recelando el Rey Britanico, que diferir los puntos en diſputa para las conferencias, ſeria aventurar el golpe de mano, que ſe apetecia, en los Azogues, Navios de Buenos Ayres, Galeones, ò Flota; ò bien que dexar, que ſe recogieſſen tantos efectos, ſeria hacer mas dificiles ſus ideas: quiſo anticipar la inſinuacion de ſus pretenſiones, para tener, en el caſo de que ſe contextaſſen, un pretexto de practicar lo miſmo, que ha executado deſpues.

Corrobora eſte penſamiento otro de los tres Oficios de 17. de Abril, repeticion tambien de uno de 19. de Febrero, en que ſe pedia la reſtitucion de el Navio la Sarah, ſu Capitan Jaſon Vaughan, apreſado en 29. de Enero de 1738. pues no obſtante, que ſe aſſegurò en la Reſpueſta de 16. de Marzo, que luego que ſe remitieſſen los Autos, ſe paſſarian à los Plenipotenciarios, *para que en virtud de lo ultimamente capitulado los examinaſſen, y decidieſſen*, ſin atender la Corte Britanica à eſte juſto procedimiento, ni al ſegundo Articulo, ſeparado de la Convencion en que hablando de los ſucceſſos poſteriores al dia 10. de Diciembre de 1737. como es eſte, ſe dice; *que la deciſion del caſo, o caſos, que puedan acaecer aſſi, deberà ir a los Plenipotenciarios, por quitar*

qualquier

the Clauſes of the 17th of *April*, which are tranſlated, are a ſtrong Sign to ſuſpect the *Britiſh* King, that keeping theſe Points in diſpute for Conferences, was to venture the Blow, that was intended on the *Azogues*, the *Buenos Ayres* Ships, Galeons or Flota, or that permitting ſuch large Effects to come home would make his Intentions the more difficult, and therefore he would anticipate the Intimation of his Pretenſions, to have ready, if needful, a Pretence to practiſe the ſame he has ſince executed.

This Suppoſition is ſtrengthned by another of the three Memorials of the 17th of *April*, which is likewiſe a Repetition of one of the 19th of *February*, whereby Reſtitution was demanded of the Ship the *Sarah*, Captain *Jaſon Vaughan*, which was made a Prize of on the 29th of *February* 1738. For notwithſtanding, by the Anſwer of the 16th of *March* Aſſurance was made, that as ſoon as the Acts of the Proceedings were ſent in, they ſhould be delivered to the Plenipotentiaries, *that they according to what was newly agreed might examine and decide the ſame*; yet the *Britiſh* Court (without minding this juſt Proceeding, nor the ſecond ſeparate Article of the Convention, wherein ſpeaking of the Prizes taken ſince the 10th of *December* 1737, as this was, it is mention'd, *That the Deciſion of the Caſe*

or

qualquier pretexto de diſcordia, para que los determinen ſegun los Tratados: bolvio con nueva inſtancia, à clamar por la reſtitucion, provocando con el deſprecio de lo convenido à menos moderada replica, que la primera, para colorir con ella los inſultos premeditados.

Pero lo que del todo convence la ſimulacion de ſu conducta, es el ultimo de los Oficios de 17. de Abril, en que renovo el Miniſtro Britanico la inſtancia de la aclaracion de las Cedulas, concedidas por S. M. à la Compannia del Aſſiento para la reſtitucion de los Efectos repreſaliados; y la de que ſe convinieſſe en cantidad cierta, por lo que por ſu importe ſupone, que ha de haver, antes de pagar las ſeſenta y ocho mil libras Eſterlinas, que debe à S. M. por quenta liquida del derecho de Eſclavos, y utiles del Navio la Real Carolina: y como eſte punto pide mas prolixo examen, primero que ſacar la conſequencia del oculto deſignio, que ſe va probando; ſe hace forzoſo, el diſcurrir ſobre las circumſtancias, que precedieron à la Convencion, y que bolvia à acalorar el mencionado Oficio.

Para

or Caſes, which might then happen, ſhould be referred to the Plenipotentiaries, in order to remove all pretences of Animoſity whatſoever, that they might decide the Matter according to the Treaties;) came in with a new Demand to claim Reſtitution, provoking, by the Contempt of what was agreed upon, a leſs mild Reply than the former, only to give a Colour thereby to their premeditated Inſults.

Yet what moſt of all argues the Inſincerity of their Conduct, is the laſt of the Memorials of the 17th of *April*, whereby the *Britiſh* Miniſter renews the Requeſt of the clearing of the Cedulas granted by his Majeſty to the *Aſſiento* Company, for the Reſtitution of the Effects taken by Repriſals; and that a certain Quantity ſhould be agreed upon, of what the ſame amounts to, which ſhould be ſettled before the Payment of the 68000 Pounds Sterling, which ſhe owes to his Majeſty upon a liquid Account for the Duty upon Slaves, and other Appurtenances of the Ship the *Royal Caroline*: And whereas this Article requires a more prolix Examination, before entering upon the Conſequences of the ſecret Deſign, which ſhall be proved; it is neceſſary to ſpeak of the Circumſtances which preceded the Convention, and which were inflamed by the ſaid Memorial.

For

Para entero convencimiento de que la pretenſion negada à la Compania por lo reſpectivo à repreſalias, no puede juſtificar la conducta, que deſcubre en èl el Miniſterio Britanico, baſta la reflexion, que ofrece el Articulo III. de la miſma Convencion, con un ligero recuerdo de lo que con motivo de èl antecedio. Convenida la ſuma que havia de entregar S. M. para la paga de los creditos, que con titulo de repreſalias alegaba la Nacion Ingleſa contra eſta Corona, intento tambien, que ſe arreglaſſe cantidad cierta del importe, que ſuponia la Compania deberſela con igual titulo. Reſiſtiolo S. M. y no menos, que ſe mezclaſſe (como la Compania ſolicitaba) ſu figurado haber con el indiſputable reconocido debito de las ſeſenta y ocho mil libras Eſterlinas; y viendo el Miniſterio Britanico lo juſto de una, y otra repulſa, paſſo à firmar la Convencion, ſin inſiſtir en eſta circunſtancia, con tan abſoluto abandono de ella, que conociendo las mal fundadas pretenſiones de la Compania, aſſintio à la declaracion figuiente, como preciſo invariable preſupueſto de la Convencion.

For an entire and clear Proof thereof, that the Pretenſion of the Company in reſpect to the Repriſals, being denied, the Conduct which the *Engliſh* Miniſtry ſhews therein cannot be juſtified; the Reflection which the *Third Article* of the ſaid Convention furniſhes, is ſufficient, with a ſlight Remembrance of what preceded, and gave occaſion to it. When the Sum which his Majeſty was to pay, for making good of the Demands, which under the Title of Repriſals were mentioned by the *Engliſh* Nation, againſt this Crown; it was likewiſe moved, that a Sum certain ſhould be ſtipulated, of the Amount which the Company pretended was due to her by an equal Right. His Majeſty oppoſed the ſame, and no leſs rejected that, as the Company deſired, that their ſuppoſed and pretended Debt ſhould be blinded with the indiſputable and acknowledged Debt of the 68000 Pounds *Sterling*: The *Britiſh* Miniſtry thereupon ſeeing the Juſtice of the Denials, proceeded to the ſigning of the Convention, without inſiſting on this Affair, abandoning the ſame ſo entirely, that knowing the ill-grounded Pretenſions of the Company, it gave its Conſent to the following Declaration, as entirely unalterable, and previous to the Convention.

„ Don Sebaſtian de la Quadra, Conſejero,
„ y primer Secretario de Eſtado de S. M. C.
„ y ſu Miniſtro Plenipotenciario para la Con-
„ vencion, que ſe trata con el Rey Britanico,
„ de orden de ſu Soberano, y en conſequencia
„ de las repetidas Memorias, y conferencias
„ que han mediado con Don Benjamin Keene,
„ Miniſtro Plenipotenciario de S. M. B. y de
„ haver convenido en ellas con reciproco a-
„ cuerdo, en hacer la preſente Declaracion
„ como medio eſſencial, y preciſo, para ven-
„ cer tan debatidas diſputas, y que ſe pueda
„ firmar la mencionada Convencion; declara
„ formalmente, que S. M. C. ſe reſerva in-
„ tegro el derecho, de poder ſuſpender el
„ Aſſiento de Negros, y expedir las ordenes
„ neceſſarias a ſu execucion, en el caſo de
„ que la Compania no ſe ſujete, a pagar den-
„ tro de un breve termino las ſeſenta y ocho
„ mil libras Eſterlinas, que ha confeſſador
„ deber del derecho de Eſclavos, ſegun la re-
„ gulacion de cinquenta y dos peniques por
„ peſo, y de los utiles del Navio la Real Ca-
„ rolina; y igualmente declara, que baxo la
„ validacion, y vigor de eſta proteſta, ſe proce-
„ dera a firmar la citada Convencion, y no
„ en otro modo; porque en eſte firme ſupu-
„ eſto, y fin que por motivo, ni pretexto al-
„ guno quede eludido, ſe ha allanado a ella

" S.

" Don *Sebaſtian de la Quadra*, Counſellor
" and firſt Secretary of State of his Catholic
" Majeſty, and his Miniſter Plenipotentiary
" for the Convention which is treating with
" the *Britiſh* King, by Order of his Sove-
" reign, and in conſequence of the repeated
" Arguments and Conferences held with Mr.
" *Benjamin Keene*, Miniſter Plenipotentiary
" of his *Britannick* Majeſty; and it having
" been agreed thereby, with mutual Appro-
" bation, to make this preſent Declaration,
" as an eſſential and neceſſary Means to o-
" vercome thoſe long-diſputed Controverſies,
" and to the end that the ſaid Convention
" might be concluded, doth formally declare,
" That his Catholic Majeſty reſerves intirely
" to himſelf, the Right and Power to ſuſpend
" the Aſſiento of Negroes, and to iſſue out
" the neceſſary Orders for its Execution, in
" caſe the Company doth not ſubmit to pay
" within a ſhort time the 68000 *l. Sterling*,
" which ſhe has confeſs'd to owe for Duties
" for Slaves, according to the Regulation of
" Fifty two Pence *per* Peſo, and for other
" Matters, on account of the Ship the *Royal*
" *Caroline*; and he doth likewiſe declare,
" That under Proviſo of the Validity and
" Vigour of this Proteſt, the ſaid Conven-
" tion may be proceeded upon to be ſigned,
" and in no other manner. For under this
" firm Suppoſition, and that this ſhall not
" be eluded, under what Reaſon or Pretence
" ſoever, his Catholic Majeſty has conſented

„ S. M. C. El Pardo a 10. de Enero de 1739.
„ Don Sebaſtian de la Quadra.

Aora ſi que puede inferirſe, qual era el animo de la Inglaterra en ſuſcitar las diſputas, que reconocio, al firmar la Convencion, ſin defenſa; pero mejor en otro Oficio de 4. de Junio, quando arrojando ya la maſcara, ſe nego al Rey la facultad de ſuſpender el Aſſiento, que ſue lo miſmo, que burlar la Declaracion, y lo convenido, para precipitar a S. M. al rompimiento, y veſtir el que por medios tan obliquos ſe procuraba con una menos deſcubierta violacion de la buena fee.

Y ſi aun no queda bien patente ſu idea, la acabaran de deſcubrir las Depoſiciones remitidas ultimamente de la Havana de los Marineros de la Eſquadra del Almirante Broun, aprehendidos en las cercanias de Bahia-Honda. Declaran eſtos, que el 10. o 12. de Julio entro en Jamayca un Paquebote, con la noticia de haverſe declarado la Guerra, y con ordenes para hoſtilizar a los Eſpanoles; en cuya conſequencia ſalieron el dia 21. a executarlas, haviendo ya apreſado antes, y luego que llego el Paquebote, una Goleta, que venia de Cuba con diez mil peſos. No parece, que con eſte ſuceſſo ſe podra ya dudar todo lo antecedentemente dicho; pues las repreſalias en Londres no ſe publicaron haſta 21. de Julio: y ſiendo forzoſo, que para arribar el Paquebote el 10.

" thereunto. *Pardo, January* 10th 1739.
" *Don Sebaſtian de la Quadra.*

At preſent, one may eaſily conclude what the Intent of *England* was, by raiſing thoſe Diſputes, which ſhe acknowledged, at the ſigning of the Convention, could not be juſtified: yet ſtill clearer, by the Memorial of the 4th of *June*, when, pulling off the Maſk, the King was denied the Power to ſuſpend the Aſſiento, which was the ſame, as making a Jeſt of the Declaration and of what was agreed upon, in order to force his Majeſty to a Rupture, and to colour what was intended, by thoſe indirect ways, that it might not be taken for too bare-faced a Violation of good Faith.

And if as yet their Intent and Aim ſhould not plainly ſhow itſelf, the Depoſitions of two Sailors of the Squadron of Admiral *Brown*, that were apprehended near *Bahia Honda*, ſent lately over from the *Havana*, will entirely appear. Theſe do declare, that on the 10th or 12th of *July*, there arrived a Packet-Boat at *Jamaica*, with News that the War was declared, and with Orders to commence Hoſtilities againſt the *Spaniards*; in conſequence whereof, on the 21ſt they went out to execute the ſame, having already taken before that time, ſoon after the Arrival of the Packet-Boat, a Goleta, which came from *Cuba* with 10,000 Peſos. It does not appear, that by theſe Proceedings, one may ſtill any ways doubt of what is ſaid before; ſince the

Re-

o el 12. de este mes a Jamayca, huviesse partido de Inglaterra a lo menos a los ultimos de Mayo, y que la resolucion de despacharle se huviesse tomado anteriormente; se hace innegable, que la Corte Britanica ni observo la legalidad, que requeria la Convencion, ni penso jamas en cumplirla, sino en adormecer a S. M. para prorrumpir en coyuntura oportuna a sus dobleces.

Que conocio S. M. anticipadamente estos intentos, y que quiso inutilizarlos con el dissimulo, y con manifestar solo su sincero deseo de arreglarse a lo convenido, lo acredita la moderacion en las respuestas a los Oficios citados; lo que insinuo el Marques de Villarias, primer Secretario de Estado, y del Despacho a Don Benjamin Keene en el mes de Abril, y ya se toco en la publicacion de represalias, y mucho mas lo que declararon los Plenipotenciarios Espanoles a los Ingleses en la Conferencia de 15. de Mayo, y es como se sigue:

„ El Rey nuestro Amo nos manda expres-
„ sar a V. S. S. que es muy digno de reparo,
„ que despues de haverse dado las ordenes al
„ Almirante Haddoch para su regresso a In-
„ glaterra, luego que se ratifico la Conven-
„ cio, se le ayan revocado con las de que
„ permanezca en el Mediterraneo; lo que
„ ar-

Repriſals were not publiſhed in *London* before the 21ſt of *July*; ſo that it muſt be neceſſary that the Packet-Boat, to arrive on the 10th or 12th of the ſaid Month at *Jamaica*, muſt have ſailed from *England* at leaſt the latter end of *May*, and that the reſolution of ſending her muſt needs have been taken before that Time. Whereby it is undeniable, that the *Britiſh* Court did not obſerve the Lawfulneſs which the Convention required, nor had ever a mind to fulfil the ſame, but rather to deceive his Majeſty, in order to break out at a Conjuncture favourable for its double Dealing.

That his Majeſty knew beforehand theſe Intentions, and that he endeavoured to defeat the ſame by diſſembling, and by merely ſhewing his ſincere Deſire to conform himſelf to what was agreed upon, appears by the Moderation in the Anſwers to the alledged Memorials: This the Marquis *de Villadarias*, firſt Secretary of State and of the Diſpatches, gave Mr. *Benjamin Keene* to underſtand in the Month of *April*, as is mentioned already in the Publication of the Repriſals; but it is ſhewn much better by what the *Spaniſh* Plenipotentiaries declared to the *Engliſh* in a Conference of *May* 15th, which is as follows:

" The King our Maſter has commanded
" us to tell your Excellencies, that it is worthy
" to be obſerved, that after having given
" Orders to Admiral *Haddock*, for his Return
" to *England*, as ſoon as the Convention was
" ſign'd,

„ arguye, que ha mudado de intento S. M. B.
„ y que ſi el primero fue de ſeguir lo con-
„ venido, cabe ſin violencia, que ſea opueſto
„ el ſegundo; por lo que conſidera S. M.
„ dichas ordenes opueſtas enteramente a la
„ antigua amiſtad, que acaba de renovarſe
„ entre las dos Coronas; y la Declaracion
„ hecha por V. S. S. en nombre de ſu Sobe-
„ rano, de que ſe halla el referido Almirante
„ con ordenes para no cauſar la menor ofen-
„ ſa, o inquietud a la Eſpana, aunque la crea
„ S. M. no podra perſuadirla al Mundo, que
„ juzga ſolo por las apariencias; y aunque
„ eſte bien acreditado lo infructuoſo de eſtos
„ medios por la conſtancia de S. M. a viſta
„ de los Armamentos de Inglaterra, no le
„ permite ſu delicado honor, que dexe de
„ mirar la permanencia de eſta Eſquadra en
„ el Mediterraneo, como un obſtaculo al lo-
„ gro del pacifico fin de las Conferencias, im-
„ poſſibiliſtando la concluſion de los Nego-
„ cios, que deben tratarſe en ellas.

„ Ni es menos notable el haverſe mandado
„ prevenir tres Navios para aumentar la Eſ-
„ quadra, que eſta en Jamayca; pues aun-
„ que ſe pretexta, que eſta providencia mira
„ ſolo, a que aya baſtantes Navios en aquella
„ Iſla, con que embiar comboyados, y ſegu-
„ ros

" ſign'd, the ſame were now revoked by o-
" thers, ordering him to continue in the
" *Mediterranean.* Which ſhews, that his
" *Britannick* Majeſty has altered his Inten-
" tion; and if the firſt was to comply with
" what was agreed upon, it follows natural-
" ly, that the ſecond is oppoſite. So that
" his Majeſty conſiders theſe Orders to be
" entirely contrary to the old Friendſhip,
" which is juſt now reſtored between the
" two Crowns. And as to the Declaration
" made by your Excellencies, in the Name of
" your Maſter, that the ſaid Admiral has
" Orders not to give the leaſt Offence nor
" Diſturbance to *Spain*; tho' his Majeſty be-
" lieves the ſame, yet he cannot perſuade
" the World, which only judges by Ap-
" pearances, and tho' it is well known that
" theſe Means are fruitleſs by the Conſtancy
" of his Majeſty at the ſight of the *Eng-*
" *liſh* Armaments, yet the Delicacy of his
" Honour does not permit him to ſee the ſaid
" Squadron any longer remaining in the *Me-*
" *diterranean*, as an Obſtacle to the Advan-
" tage of a pacifick End of the Conferences,
" making the Concluſion of the Matters to
" be debated therein impoſſible.

" Neither is it leſs obſervable, that three
" Ships are ordered to augment the Squadron
" ſtationed at *Jamaica*; for altho' it is gi-
" ven out, that this Precaution only ſerves,
" that there may be ſufficient Ships in that
" Iſland, to ſend Convoys with, and ſecure

„ ros los de Comercio, que vengan a Europa,
„ no ſe hace creible, ni verosimil, a viſta de
„ que en 27. de Marzo, ſegun un Papel de
„ eſta fecha del Duque de Newcaſtle, no ſe
„ havian expedido aun las ordenes a la Caro-
„ lina, eſt ando cangeadas las ratificaciones
„ deſde 4. de Febrero. Y no obſtante, que
„ S. M. tenia un juſto motivo de ſuſpender
„ las Conferencias, todavia para acreditar ſu
„ amor a la Paz, y la buena fee con que
„ cumple lo capitulado, viene en que no ſe
„ dilaten; *pero almiſmo tiempo le es preciſo de-*
„ *clarar, que no debera eſtranar la Inglaterra,*
„ *que ſe traten los puntos pendientes con la mas*
„ *rigida juſticia, ſin que por parte de S. M.*
„ *pueda tener lugar la mas minima condeſcenden-*
„ *cia a la gracia, mientras la Eſquadra del*
„ *Almirante Haddoch ſe mantuviere en el Me-*
„ *diterraneo. Y ultimamente, que haſta que*
„ *eſta Eſquadra ſe retire a Inglaterra, y ſe*
„ *mande executar lo propio a las que por mo-*
„ *tivo de los diſguſtos paſſados ſe hallaren en la*
„ *America; es conſequente, que ſe ofrezcan*
„ *poderoſos eſtorvos a S. M. para ajuſtarſe en-*
„ *teramente a lo convenido:* porque *ſiendo las*
„ *demonſtraciones de la Inglaterra diſtantes de*
„ *la quietud pactada, no podra S. M. mante-*
„ *ner la buena fee con que procede, ſi no la ex-*
„ *perimenta reciproca, y ve deponer las armas,*
„ *que es la ſenal mas convincente de la Paz.*

" the Trade of thoſe that return into *Eu-*
" *rope*, this is not credible nor probable; ſince
" on the 27th of *March*, according to a Wri-
" ting under that Date, of the Duke of
" *Newcaſtle*, there were not yet any Orders
" ſent to *Carolina*, the Ratifications being
" changed on the 4th of *February*. And
" altho' his Majeſty had a juſt Reaſon to
" break off the Conferences, yet to ſhew the
" Love he has for Peace, and his good Faith,
" wherewith he fulfils what is agreed, he
" is willing that they ſhall not be delayed:
" *However, at the ſame time, it is neceſſary*
" *to declare, that* England *muſt not wonder,*
" *that the depending Points muſt be treated*
" *with the moſt rigid Juſtice; ſince, on the*
" *ſide of his Majeſty, there is no room for the*
" *leaſt Condeſcenſion of Favour, whilſt the*
" *Squadron of Admiral* Haddock *continues in*
" *the* Mediterranean. *And laſtly, that till*
" *this Squadron goes back to* England, *and*
" *till Orders for the Execution of what is*
" *needful, to thoſe that by reaſon of the paſt*
" *Diſguſts are found or ſtationed in* America,
" *it follows, that powerful and ſtrong Hin-*
" *drances are given to his Majeſty, to adjuſt*
" *entirely what is agreed upon; ſince the De-*
" *monſtrations of* England *being averſe to the*
" *contracted Tranquillity, his Majeſty cannot*
" *go on in the good Faith wherewith he pro-*
" *ceeds, if he finds not ſuitable Returns, and*
" *ſees the Armaments laid aſide, which is the*
" *moſt convincing Sign of Peace.*"

De eſte Inſtrumento, que tanto prueba la recta intencion de S. M. no pidieron copia los Plenipotenciarios Ingleſes, que es muy notable deſcuido, impoſſible en ſu advertencia, y muy propio de la inſtruccion con que ſe hallaban, y de la torcida fee con que ſe procedia. Y no obſtante, que aſſi ſe comprehendio entonces, aun eſpero S. M. a que mudaſſe la Corte Britanica de conducta, en fee de las ſeguridades dadas repedidas veces a Don Benjamin Keene por el Marques de Villarias, de que como ſe retiraſſe a Inglaterra la Eſquadra del Almirante Haddoch, immediatamente ſe diſpondria la ſatisfaccion de las noventa y cinco mil libras Eſterlinas; pero viendo en el enunciado Oficio de 4. de Junio el empeno en abrigar la injuſta reſiſtencia de la Compania a la paga de las ſeſenta y ocho mil libras, la Eſquadra de Haddoch en Gibraltar, las afectadas lentitudes de los Plenipotenciarios Ingleſes en abrir las Conferencias, y deſpues de abiertas un abſoluto deſenfreno, y inverſion del patente literal ſentido de los Tratados en ſus pretenſiones; no ſe reſolvio S. M. a ſatisfacer las noventa y cinco mil libras Eſterlinas, eſtipuladas en la Convencion; aſſi porque infringida eſta por el Rey Britanico, no ſe conſidero obligado

Of this Inſtrument, which ſo ſtrongly proves the upright Intention of his Majeſty, the *Engliſh* Plenipotentiaries demanded no Copy, which is a moſt notorious Negligence; which is impoſſible not to be taken notice of, and very proper for the Inſtructions they were provided with, ſhewing the evaſive Faith of their Proceedings. And notwithſtanding that it was thus look'd upon at that time, yet his Majeſty hoped that the Court of *Great Britain* would alter its Conduct, becauſe of the Proteſtations which were ſeveral times made to Mr. *Benjamin Keene* by the Marquis *de Villadarias*, that as ſoon as the Squadron of Admiral *Haddock* ſhould ſail back to *England*, immediately Satisfaction ſhould be made for the 95000 Pounds *Sterling*. Yet obſerving, in the mentioned Memorial of the 4th of *June*, the Endeavours to ſcreen the unjuſt Oppoſition of the Company to the Payment of the 68000 Pounds, the Squadron of Admiral *Haddock* continuing at *Gibraltar*, the affected Slowneſs of the *Engliſh* Plenipotentiaries to open the Conferences, and after they were opened, an abſolute Unbridledneſs and Inverſion of the open and literal Senſe of the Treaties, in their Demands, his Majeſty reſolved not to pay the 95000 Pounds *Sterling* agreed to in the Convention; not only becauſe the ſame being broke by the *Britiſh* King, could not be conſider'd as binding and obliging his Majeſty, but alſo becauſe it would be an unbecoming and culpable Condeſcenſion, to give the

Wea-

do S. M. como porque fuera culpable indecorosa condescendencia, dar armas a unos ya casi declarados enemigos, sin esperanza alguna, segun las demostraciones suyas, de que corrigiesse esta nueva bondad su interminable ambicion.

Sentados estos hechos, y las fuertes ilaciones que facilitan, aun no se vale S. M. de su apoyo para justificar los ulteriores Actos, que han sido consequencias de aquel enlace; porque se publicaron antes en Inglaterra, y que declaro la Guerra, porque la declararon antes los Ingleses, considerando esta razon por potissima para no ser responsable delante de Dios, ni de los hombres de los estragos funestos, que ocasiona el furor de las Armas; y conociendo, que los motivos antecedentes a este estremo, dexaron de serlo desde que por la Convencion se acordo el ajustarlos amigablemente. En cuyo supuesto se evidencia, que el pretextarlos el Rey Britanico para el rompimiento, es disfrazar con apariencias la caprichosa irregularidad de sus Vassallos, y precision de condescender a ella; y que el no usar S. M. de tantos, tan poderosos, y descubiertos fundamentos de su ultima determinacion, sino para hacer patente la verdad, es arreglarse a la acertada conducta de no enganar a la Europa con el fin de turbarla, que es lo contrario que solicita la Inglaterra.

Weapons into the hands of an almoſt declared Enemy, without any hopes, according as it appeared by their Proceedings, that this new Kindneſs would ſtop their boundleſs Ambition.

Theſe Facts being ſet forth, and the ſtrong Inferences that prove the ſame, his Majeſty doth not think it neceſſary to juſtify his farther Proceedings that are the Conſequences thereof; ſince it is evident that he proclaimed the Repriſals, becauſe they were proclaimed before in *England*; and that he declared War, becauſe the *Engliſh* did declare the ſame before; conſidering this as the moſt convincing Argument, that he is no ways anſwerable neither before God nor Men, for the diſmal Slaughters and Deſtructions which the Fury of the War occaſions. It being apparent, that the Motives preceding the laſt, ceaſed to be ſo, when by the Convention it was agreed to adjuſt the ſame in an amicable manner. This being ſuppoſed, it is evident, that the *Britiſh* King alledging the ſame, is only to colour with an outward Shew, the capricious Irregularities of his Subjects, and a Neceſſity to condeſcend thereto. And that his Majeſty does not make uſe of ſo many weighty and known Arguments for his laſt Determination, but only to lay the Truth open, and to conform himſelf to a juſt Conduct, not to impoſe upon *Europe* with an Intention to diſturb the ſame; which is the Reverſe of what *England* attempts.

THE END.